

JAP:ALC

**M-09-1155**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

C O M P L A I N T

- against -

(18 U.S.C. § 1029)

LUIS ALEXANDER JAVIER PAULA,

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

SEMYON GINZBURG, being duly sworn, deposes and states that he is a Special Agent with the Immigration and Customs Enforcement ("ICE"), duly appointed according to law and acting as such.

Upon information and belief, on or about November 19, 2009, within the Eastern District of New York and elsewhere, the defendant LUIS ALEXANDER JAVIER PAULA did knowingly and with intent to defraud possess fifteen or more counterfeit access devices, to wit: 79 counterfeit credit cards.

(Title 18, United States Code, Section 1029 (a)(3)).

The source of your deponent's information and the grounds for your deponent's belief are as follows:<sup>1/</sup>

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<sup>1/</sup> Because the purpose of this Complaint is to state only probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

1. I have been a Special Agent with ICE for approximately eight months. My knowledge of this case is based upon my participation in the investigation, review of the files, and discussions with other agents.

2. On or about November 19, 2009, the defendant LUIS ALEXANDER JAVIER PAULA, a citizen of the Dominican Republic, arrived at John F. Kennedy International Airport ("JFK") in Queens, New York, aboard JetBlue flight 828 from the Dominican Republic.

3. During the course of a routine Customs examination, a Customs and Border Protection ("Customs") Inspector noticed that defendant LUIS ALEXANDER JAVIER PAULA appeared unusually nervous. Moreover, defendant LUIS ALEXANDER JAVIER PAULA was traveling on a one-way ticket purchased in cash on the day of his travel.

4. A pat-down search was performed on defendant LUIS ALEXANDER JAVIER PAULA, during which a Customs Inspector felt a hard package concealed in defendant LUIS ALEXANDER JAVIER PAULA's groin area.

5. A partial strip search to which the defendant orally consented revealed that 69 credit cards were taped to defendant LUIS ALEXANDER JAVIER PAULA's groin area. Each of the credit cards were in the name of "Luis Javier." Twenty-six of the

cards also displayed the picture of defendant LUIS ALEXANDER JAVIER PAULA.

6. An examination of LUIS ALEXANDER JAVIER PAULA's wallet revealed ten more credit cards, each in the name of "Winelkis Pena".

7. The Customs Inspector suspected that the credit cards were counterfeit and contacted an ICE special agent who, along with a special agent with the United States Secret Service, responded to JFK.

8. The defendant LUIS ALEXANDER JAVIER PAULA was read his Miranda rights in Spanish and waived his rights. Thereafter, he stated that he had ordered ten credit cards from the internet and had received 79 credit cards by mail in the Dominican Republic. He did not recall the address of the internet site from which he ordered the cards. He also stated that the cards were free.


9. The defendant LUIS ALEXANDER JAVIER PAULA further stated that the ten credit cards in his wallet belonged to a woman surnamed "Pena". He did not have contact information for Pena, but stated his belief that after he arrived in New York, someone would contact him to arrange a meeting with Pena.

10. In addition, the defendant LUIS ALEXANDER JAVIER PAULA stated that other than the ten cards bearing the name "Winelkis Pena", all of the cards belonged to him. He claimed

that he did not intend to use the cards and that he had to wait for one week before the cards would be activated.

11. I and other ICE and United States Secret Service agents are currently investigating the counterfeit status of each of the credit cards seized from the defendant. As of today's date, the investigation has confirmed that at least six of the credit cards found ~~in the defendant's luggage~~ *on the defendant and the defendant's wallet* are counterfeit. *SG*

WHEREFORE, your deponent respectfully requests that the defendant LUIS ALEXANDER JAVIER PAULA be dealt with according to law. *gms 11/20/09*

  
SEMYON GINZBURG  
Special Agent  
Immigration and Customs  
Enforcement

Sworn to before me this  
20th day of November, 2009

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JUDGE  
NEW YORK